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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

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| Case No. | CV 06-3903-AG (MANx) | Date | September 17, 2008 |
| Title | ELAINE L. CHAO V. SOUTHERN CALIFORNIA MAID SERVICE AND CARPET CLEANING, ET AL. | | |

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| Present: The Honorable | ANDREW J. GUILFORD |
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| Lisa Bredahl | None Present | |
| Deputy Clerk | Court Reporter / Recorder | Tape No. |

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| Attorneys Present for Plaintiffs: | Attorneys Present for Defendants: |
| Not Present | Not Present |

Proceedings: [IN CHAMBERS] ORDER GRANTING PLAINTIFF'S PETITION FOR CIVIL CONTEMPT

Before the Court is a Petition for Civil Contempt, filed by Plaintiff Elaine L. Chao ("Plaintiff"). On August 26, 2008, the Court ordered that Defendants Southern California Maid Service and Carpet Cleaning, Inc., Sergio Maldonado, and Lorenza Rubio ("Defendants") provide further briefing concerning their financial status and ability to pay the judgment rendered against them. The August 26 order stated that if Defendants did not file these briefs with the Court before September 15, 2008, Defendants would be held in contempt. The Court has not received the requested documents from Defendants. Accordingly, the Court GRANTS Plaintiff's Petition for Civil Contempt.

BACKGROUND

Plaintiff brought suit against Defendants in June 2006, alleging that Defendants had failed to adequately pay their employees under the Fair Labor Standards Act ("FLSA"). Plaintiff's Complaint sought to enjoin Defendants from violating the FLSA and to recover amounts owed under the FLSA to Defendants' employees.

In August 2007, the Court granted summary judgment to Plaintiff. In the order granting summary judgment, the Court wrote:

The Court awards \$3,467,789.44 in backwages and \$1,058,972.81 in liquidated damages. Further, the Court enjoins Defendants from withholding the combined amount of backwages and liquidated damages, \$4,526,762.25, due Plaintiff on behalf of the Cleaners. The Court also permanently enjoins Defendants from violating the minimum wage, overtime, and recordkeeping provisions of the

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FLSA.

(Order Granting Summary Judgment 15:3-8.)

Almost a year after the Court granted summary judgment, Plaintiff filed a Petition for Civil Contempt, arguing that Defendants have failed to pay the backwages and liquidated damages ordered by the Court. Defendants, in turn, argued that they should not be held in contempt for two reasons: first, because no actual judgment or injunction was ever entered in the matter; and second, because Defendants are financially unable to satisfy the judgment sought by Plaintiff.

The Court's order of August 26, 2008, dispensed with Defendants' first argument, holding that judgment was entered in the matter. Because Defendants had not shown "plainly and unmistakably" that they were unable to pay the judgment against them, the Court granted them extra time to file additional papers on the issue. The Court concluded that if Defendants failed to do so before September 15, 2008, they would be held in Contempt.

Defendants' deadline has now passed, and the Court has received nothing showing their inability to pay the judgment against them. Accordingly, the Court GRANTS Plaintiff's Petition for Civil Contempt as follows:

Defendants are ordered to purge themselves of their contempt of court, including payment of the back wages due under the Order, plus post-judgment interest from the date of entry of the Order. Defendants are further ordered to pay reasonable expenses incurred by Plaintiff in pursuing this contempt proceeding, including attorney fees, in an amount to be determined on a motion brought by Plaintiff.

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 Initials of
 Preparer
